

Panama Canal Regulations

§ 253.14

(9) Liaison Services Specialists of the General Services Bureau of the Panama Canal Commission.

(10) Positions at non-manual grade 5 and grade 7 level (not to exceed 35 in number) designated for use by the Panama Canal Commission for filling positions in the Professional and Administrative Career Intern Program with high-potential Panamanian citizens.

(d) All Bureau Directors and Heads of Independent Units of the Panama Canal Commission are excluded from the provisions of sections 1212, 1213, 1215 and 1216 of subchapter II, subparts B and C of this part and subpart B of part 251, except for §§251.25, 251.31 and 251.32 of this chapter.

(e) Positions of student assistant, apprentice and learner, and the incumbents thereof, are excluded from the provisions of section 1225(b)(2) of the Panama Canal Act.

(5 U.S.C. 5102, E.O. 12173, 12215)

[47 FR 12956, Mar. 26, 1982, as amended at 49 FR 41025, Oct. 19, 1984; 51 FR 25693, July 16, 1986; 51 FR 33262, Sept. 19, 1986; 51 FR 37182, Oct. 20, 1986; 54 FR 4019, Jan. 27, 1989; 56 FR 1924, Jan. 18, 1991; 56 FR 40556, Aug. 15, 1991]

PANAMA CANAL BOARD OF APPEALS

§ 253.11 Establishment; composition; appointment of members; alternates; employees.

(a) There is established a Panama Canal Board of Appeals to review and determine the classification appeals of employees.

(b) The Board shall consist of five members, all of whom shall be civilians employed by the Federal Government and appointed by the Assistant Secretary of the Army as follows:

(1) One member shall be nominated by the Office of Personnel Management.

(2) Two members shall be selected from among employees of U.S. Government agencies in the Republic of Panama (one from a Department of Defense agency and the other from the Panama Canal Commission) and shall be appointed only after appropriate consultation with the advice from organizations representing such employees.

(3) The remaining members (one from Department of Defense and one from

Panama Canal Commission) will be selected by the Assistant Secretary of the Army.

(c) The Assistant Secretary of the Army shall appoint one of the members as Chairman of the Board.

(d) For each member of the Board, two alternate members shall be appointed, following the same criteria as for appointment of members. An alternate shall serve on the Board whenever the member for whom he is the alternate is unable to serve for any reason.

(e) The Panama Area Personnel Board will provide administrative and logistical support necessary to accomplish Board functions.

§ 253.12 Decisions of the Board.

(a) Decisions of the Board on any question or other matter relating to an appeal shall be made by majority vote of its members.

(b) Decisions of the Board are final and conclusive and the agency concerned shall take action in accordance with the decision.

§ 253.13 Classification appeals.

(a) Any employee may request at any time that his employing agency review and revise or adjust the classification, grade, and pay level of his position, or any of them, as the case may be. Such requests for review and revision or adjustment shall be submitted and adjudicated in accordance with the regularly established procedures of the employing agency.

(b) In the event of adverse classification decision by the employing agency, an employee shall have the right to appeal, in writing, to the Panama Canal Board of Appeals.

§ 253.14 Terms of members.

The term of service for each member or alternate member of the Panama Canal Board of Appeals shall be for 2 years, provided that the Assistant Secretary of the Army may, in his discretion, terminate or extend the term of service of any member or alternate member at any time. Individuals who are designated as members or alternate members shall be detailed to the Panama Canal Board of Appeals for such periods as their services are required.

§ 253.15

Any hearings on employee appeals will be heard in the Republic of Panama.

§ 253.15 Appeals procedures.

The Panama Canal Board of Appeals shall formulate the procedures necessary to the performance of the functions prescribed by section 1222 of the Panama Canal Act. Those portions of the procedures establishing time limits for filing appeals, the form in which appeals are to be submitted, and the circumstances under which the personal appearance of an employee or his representative will be authorized, shall be published for the information of all employees.

§ 253.16 Effective date of decisions.

(a) Decisions of the Panama Canal Board of Appeals shall be binding upon all employing agencies, and shall be effective not later than the beginning of the fourth pay period following the receipt of the decision in the employing agency unless a specific date is stated in the decision in accordance with paragraph (b) of this section.

(b) When the appeal to the Panama Canal Board of Appeals is made within 30 calendar days from the date of an employee's receipt of an adverse decision from his employing agency on a classification appeal provided by § 253.13, if it is from an action lowering the grade or pay level of the employee's position, and the decision of the Panama Canal Board of Appeals raises the grade or pay level of the position, the effective date shall be retroactive to the date of the action which lowered the grade or pay level. However, when the decision of the Panama Canal Board of Appeals raises the grade or pay level of the position above the grade or pay level in effect immediately preceding the lowering thereof, retroactivity will apply only to the extent of restoration to the grade or pay level in effect immediately preceding the lowering thereof. Retroactivity may be based only on duties and responsibilities existing at the time of the lowering of the grade or pay level and not on the basis of duties and responsibilities later assigned.

(c) The right to a retroactive effective date under paragraph (b) of this section may be preserved in the discre-

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tion of the Panama Canal Board of Appeals upon a showing by the employee that reasons beyond his control prevented him from appealing within the 30-day period referred to in that subparagraph and that he did appeal as promptly as circumstances permitted.

Subpart B—Filling Positions

§ 253.31 Authority of appointing officers; methods of filling vacancies.

(a) Appointing officers of an agency shall effect personnel actions in accordance with the regulations in this part.

(b) In his discretion an appointing officer may fill any position either by competitive appointment from a Panama Canal Employment System register, by appointment or position change of a present or former Federal employee through noncompetitive action in accordance with the regulations in this part, or, when authorized under § 253.43, by temporary appointment. Except as otherwise provided in the regulations in this part, the appointing officer shall exercise his discretion in all personnel actions solely on the basis of merit and fitness. In determining merit and fitness of any person, there shall be no discrimination on the basis of nationality or citizenship, religious or political affiliations, marital status, physical handicap, race, color, sex, age, or national origin.

§ 253.32 [Reserved]

§ 253.33 Positions restricted to veterans of United States Armed Forces.

The provisions of 5 CFR 330.401, 330.402 and 330.403 apply in their entirety.

§ 253.34 Disqualification of applicants.

An applicant may be denied examination and an eligible may be denied appointment for any of the reasons set forth below. A person disqualified for any of the listed reasons may, in the discretion of the PAPB, be denied examination, or denied appointment to any position, for such period as it may determine.

(a) Dismissal from employment for delinquency or misconduct.